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Attorneys for Defendant/Counterclaimant, **DIGITAL GADGETS, LLC**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Interworks Unlimited, Inc., a California corporation, Case No. 2:17-cv-4983 TJH (KSx)

Plaintiff,

V.

Digital Gadgets, LLC., a New Jersey limited liability company,

Defendant.

Digital Gadgets, LLC., a New Jersey limited liability company,

Counterclaimant,

V.

Interworks Unlimited, Inc., a California corporation.

Counter-defendant

Case No. 2:17-cv-4983 TJH (KSx)

**DEFENDANT'S MOTION TO
DISMISS PURSUANT TO FRCP
12(b)(1)**

[Memorandum of Points and Authorities, Declaration of Harlan Lazarus, and [Proposed] Order Filed Concurrently Herewith]

DATE: UNDER SUBMISSION

COURTROOM: 9B

1 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Defendant/Counterclaimant, DIGITAL
3 GADGETS, LLC will and hereby does move this Court for an order dismissing this
4 matter for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) (the
5 "Motion").

6 This Motion is based on this Notice of Motion, the Memorandum of Points and
7 Authorities filed concurrently herewith, the Declaration of Harlan M. Lazarus, the
8 papers and pleadings on file herein, and upon such other evidence and argument as may
9 be presented prior to or at the hearing (should the Court schedule a hearing) of this
10 Motion.

11 This Motion is made following the conference of counsel pursuant to L.R. 7-3,
12 which took place by telephone on June 13, 2019. (Lazarus Decl. ¶ 6.)

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15 Dated: July 1, 2019

LAZARUS AND LAZARUS, P.C.

16 By: /s/ Harlan M. Lazarus
17 HARLAN M. LAZARUS, ESQ.
18 Attorneys for Defendant/Counter-
claimant, **DIGITAL GADGETS, LLC**

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